

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS)	MDL No. 2419
LIABILITY LITIGATION)	
_____)	Docket No. 1:13-md-2419 (RWZ)
)	
This document relates to:)	
)	
Armetta, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14022-RWZ)	
)	
Bowman, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14028-RWZ)	
)	
Davis, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14033-RWZ)	
)	
Dreisch, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14029-RWZ)	
)	
Farthing, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14036-RWZ)	
)	
Kashi, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14026-RWZ)	
)	
Torbeck, et al. v. Box Hill Surgery Center,)	
LLC, et al.,)	
No. 1:14-cv-14023-RWZ)	
)	
Handy, et al. v. Box Hill Surgery Center,)	
LLC, et al. No. 1:14-cv-14019-RWZ)	

JOINT MOTION TO MODIFY THIRD AMENDED
ORDER SETTING DISCOVERY DEADLINES AND
TO STAY CASE-SPECIFIC DISCOVERY IN THE BELINDA DREISCH CASE

Plaintiffs and Box Hill Defendants, by and through undersigned counsel, file this Joint Motion to Modify the Third Amended Order Setting Discovery Deadlines dated February 3, 2017 (Dkt 3301) and to Stay Case-Specific Discovery in the Belinda Dreisch Case and in support thereof state as follows:

1. At the April 20, 2017, Status Conference, the Court requested the parties to reach agreement on which of the two cases selected as bellwether cases from the eight cases pending in this MDL Court against the Box Hill Defendants (Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., Ritu T. Bhambhani, M.D., LLC) will go to trial on February 26, 2017. Box Hill Plaintiffs and Box Hill Defendants, through their respective counsel, jointly agree that the first bellwether case to go to trial on February 26, 2017, will be the Bahman Kashi, et al. case, which is the bellwether death case.
2. The parties request the Court to Order a stay of remaining case-specific expert discovery in the case of Belinda Dreisch, et al. against Defendants until a future date to be set after this case is scheduled for trial. As of this time, there are 14 experts to be deposed in the Dreisch case, while there are only four experts to be deposed in the Kashi case, three of whom have already been deposed as common issue fact expert witnesses in all Box Hill MDL cases. The parties wish to streamline discovery and to shorten the time required to try the first bellwether case, thus conserving the resources of the Court and the parties.
3. The parties jointly request the Court to extend the September 22, 2017, deadline to complete case-specific expert depositions in the Kashi bellwether case by 45 days, until November 6, 2017. The parties have been unable to schedule the depositions within the current deadline, despite their diligent attempts to do so.

4. The parties stipulate that the requested stay of case-specific discovery in the Dreisch case and proposed modification to the Third Amended Order Setting Discovery Deadlines, dated February 3, 2017 (Dkt. 3301), will not cause prejudice to the bellwether Box Hill Plaintiffs or the Box Hill Defendants in the pending cases.

For all of these reasons, the parties jointly request the Court enter the attached [Proposed] Fourth Amended Order Setting Discovery Deadlines and Staying Case-Specific Discovery in the Belinda Dreisch Case (Exhibit A).

Date: September 12, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patricia J. Kasputys, certify that I caused a copy of the above letter requesting a stay and an extension of time to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: September 12, 2017

/s/ Patricia J. Kasputys
Patricia J. Kasputys